

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

PEDRO A. GARCIA §
VS. § CIVIL ACTION NO. 9:17-CV-72
JOHN P. BOLTON, *et al.*, §

MEMORANDUM OPINION AND ORDER RE MOTION FOR SUMMARY JUDGMENT

Plaintiff, Pedro A. Garcia, an inmate formerly confined at the Polunsky Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants John P. Bolton, Sean R. Burks, Johnny R. Farris, Patricia Garney, and Joseph Smith.

The Court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends plaintiff's motion for summary judgment be denied (docket entry no. 78).

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.¹

¹Plaintiff received a copy of the Report and Recommendation on February 6, 2019 (docket entry no. 87).

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**.

So **ORDERED** and **SIGNED** **March 20, 2019.**



Ron Clark, Senior District Judge